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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,459	12/14/2000	Robert M. Brody	40125-280021	1914
23370 7590 10/16/2008 JOHN S. PRATT, ESQ. KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309				
EXAMINER				
KARMIS, STEFANOS				
ART UNIT		PAPER NUMBER		
3693				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/737,459

Applicant(s)

BRODY ET AL.

Examiner

STEFANOS KARMIS

Art Unit

3693

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 23, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 23, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 31 July 2008.

Status of Claims

2. Claims 1 and 26 are currently amended. Claims 28 is newly added. Claims 1-4, 6, 23, 26 and 28 are currently pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4, 6, 23, 26 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the consumer-related record renders the claim indefinite. The claims receives a consumer-related record via a network. Further, the claim mentions that the report is generated based on the credit history and the consumer-related record. However, the report includes a credit score and an explanatory statement suggesting at least one step to improve the credit score based on the credit history data. However, it is unclear if the credit score or explanatory statement are based at all on the consumer-related record. If they are not based on it, then the consumer-related record is non-functional in the claim and contains no patentable

weights. Applicant's specification states that receiving consumer-related records is done from a plurality of databases on one or more networks, and generating the credit score includes generating the credit score based on the credit history data and the consumer-related records which is associated with the consumer (paragraph 0010 of US 2002/0077964). Amending the claim to specify this and to clarify whether the explanatory statement is based on the consumer related record would overcome this rejection and assist in overcoming the prior art. Currently, the claim is interpreted with consumer-related record having no patentable weight. Claims 2-4, 6, 26 and 28 stand rejected based on their dependency.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, 23, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lent et al. (hereinafter Lent) U.S. Patent 6,405,181 in view of Duhon U.S. Patent 6,311,169 in further view of A Home Remedy for Bad Credit article (hereinafter CCM).

Regarding claim 1, Lent teaches a method for providing a consumer with personalized credit-related information based on credit history data of the consumer, comprising: creating an account associated with the consumer (column 3, lines 54-67 and column 13, lines 13-60);

electronically receiving a request from the consumer for personalized credit-related information (column 3, lines 54-67 and Abstract); transmitting to a credit bureau, in response to the request from the consumer, an inquiry for credit history data relating to the consumer (column 4, lines 1-17); receiving credit history data on the consumer in response to the inquiry (column 13, lines 20-60), generating a summary report of personalized credit-related information based on the credit history data (column 13, lines 5-12), the summary report including a credit score and an explanatory statement of why credit was rejected and transmitting it to the consumer (column 13, lines 5-12).

Lent fails to teach suggesting steps to improve the credit score. Duhon teaches an on-line consumer credit data reporting system that is programmed to present current and historical credit data information to on-line users so that better assessments can be made as to the credit worthiness of a consumer (Abstract). Duhon further teaches that the credit data in the report enables on-line users to make better decisions as to credit changes of the consumers (column 6, lines 50-61). Consumers can trace their credit status and note if its improving or deteriorating (column 7, lines 1-19). Duhon also teaches the use of narrative score factors (Figure 3).

CCM teaches a program called Instant Credit that allows consumers to repair their credit by providing them with step-by-step instructions on how to work directly with credit bureaus to remove questionable black marks from their credit histories (Abstract). CCM teaches that the software allows for direct communication with the credit bureau and provides users with information on how to receive their credit report annually. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Lent and include the teachings of Duhon and CCM to provide for generating a summary report of

personalized credit-related information based on credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score, because it provides consumers with the best financial indicators of their financial strength and recommends ways for them to improve their financial strength when obtaining loans.

Claim 2, wherein creating an account includes establishing an agent relationship with the consumer (column 3, lines 54-67 and column 13, lines 13-60).

Claim 3, transmitting an inquiry includes transmitting a Fair Credit Reporting Act Consumer Inquiry for the consumer to the credit bureau (column 4, lines 18-37).

Claim 4, wherein generating the summary report includes generating the credit score based on the credit history data (column 13, lines 28-46).

Claim 6, wherein receiving the request of the consumer includes authenticating the consumer (column 4, lines 1-17).

Claim 23, wherein the merchant comprises a financial institution and the consumer comprises a borrower (column 13, line 47 thru column 14, line 14).

Claim 26, Lent teaches wherein the inquiry is a consumer inquiry (column 4, lines 1-37). Duhon teaches that a consumer can log directly into the on-line consumer credit reporting system (column 4, lines 22-34).

Regarding new claim 28, the prior art cited fails to specifically teach providing multiple choice questions and receiving answers on the questions to authenticate the consumer. Official Notice is taken that authenticating a user via questions is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the authorization teachings of Lent in view of Duhon in further view of CCM to include authenticating the user with multiple choice questions because it provides for security when providing private financial information to a customer and helps to ensure that only approved or appropriate customers receive the confidential financial information and thus helps to avoid fraudulent transactions.

Response to Arguments

7. Applicant's arguments filed with respect to the rejection of claim 1-4, 6, 23, 26 and 28 under 35 U.S.C. 103(a), have been fully considered but are not persuasive. Applicant alleges that the combination of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181 in view of Duhon U.S. Patent 6,311,169 in further view of A Home Remedy for Bad Credit article (hereinafter CCM) fails to teach *generating a summary report of personalized credit-related information based on credit history data, the summary report including a credit score and an explanatory*

statement suggesting at least one step to improve the credit score based on the credit history data.

The Examiner respectfully disagrees. Lent teaches a method and apparatus for real time on line credit approval in which an applicant is rejected based on credit score by notifying the user of a report and a reason, the reason includes a credit score (column 11, line 56 thru column 12, line 63). Lent further teaches that the rejection can include a link to a credit counseling site (column 12, line 45-63).

Duhon teaches a computerized system for better assessing the credit worthiness of a consumer, using historical credit data (Abstract). Duhon teaches that credit data in a report enables on-line users to make better decisions as to credit changes of the consumers (column 6, lines 50-61). Consumers can trace their credit status and note if its improving or deteriorating (column 7, lines 1-19).

CCM teaches a program called Instant Credit that allows consumers to repair their credit by providing them with step-by-step instructions on how to work directly with credit bureaus to remove questionable black marks from their credit histories (Abstract and second paragraph). CCM teaches that the software allows users to modem correspondent directly to the credit bureaus (paragraph 2). Therefore the programs provides users with a way to clean up their credit records (paragraph 3).

The thrust of Applicant's arguments is that the prior art fails to teach an explanatory statement suggesting at least one step to improve the credit score *based on credit history data*. The Examiner respectfully disagrees.

CCM clearly teaches providing an explanatory statement suggesting at least one step to improve their credit score (paragraph 2). Furthermore, CCM states that the instructions are provided to users based on the fact that the user has poor credit records, specifically “their credit records” (paragraphs 1 and 3). Therefore, the step-by-step instructions are given based on credit history of the consumer and not based on an arbitrary reason. In addition, Lent teaches that a rejection for credit based on a poor credit score of the applicant includes a link to a credit counseling site (column 12, line 45-63). While this is not an explanatory statement, it would be obvious to combine the teachings of Lent to include detailed instructions as taught by CCM because the credit counseling site's purpose is to assist the user in improving their credit and a detailed explanation like CCM provides a step-by-step procedure that a counseling site would provide a user to help them obtain future credit approval.

For at least these reasons, the prior art teaches *generating a summary report of personalized credit-related information based on credit history data, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score based on the credit history data*. Therefore, Applicant's arguments are not persuasive and claims 1-6 and 23 remain rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
/Stefanos Karmis/
Primary Examiner, Art Unit 3693
14 October 2008